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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/799,122

03/12/2004

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12/04/2006

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EXAMINER

PHAM, TOAN NGOC

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/799,122

Applicant(s)

CANDELORE ET AL.

Examiner

Toan N. Pham

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Akins (US 7,053,785).

Regarding claim 1: Akins discloses a security prescreening device comprising a substantially non-metallic housing that defines a hollow cavity and a human walking surface; and a metal scanner element (84z0 positioned in the hollow cavity defined by the non-metallic housing and entirely vertically below the human walking surface, wherein the walking surface receives a covered human foot (col. 2, lines 45-61; col. 3, lines 11-20; col. 4, lines 1-44; Figs. 1-8).

Regarding claim 2: Akins discloses the substantially non-metallic housing is plastic (col. 2, line 61).

Regarding claim 3: Akins discloses the substantially non-metallic housing is glass, which indicates a translucent material (col. 2, line 61).

Regarding claim 4: Akins discloses the human walking surface defined by the substantially non-metallic housing is inclined with respect to a planar human walking surface (Fig. 8).

Regarding claim 5: Akins discloses an indicia (13) positioned adjacent to the human walking surface of the substantially non-metallic housing (col. 3, lines 1-5; Fig. 2).

Regarding claim 6: Akins discloses the metal scanner element is of a hand-held metal detector (col. 4, lines 13-35); thus, indicates a wand-type metal scanner.

Regarding claim 11: See claim 1 above.

Regarding claim 12: See claim 1 above.

### ***Claim Rejections - 35 USC § 103***

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akins (US 7,053,785).

Regarding claim 7: Akins discloses a prescreening device includes a battery source in the hollow cavity (col. 3, lines 57-66) and a display support (100). Akins does not disclose an LED or an on/off switch; however, an on/off switch is merely obvious to be included in the device to turn the power on/off. Thus, it is merely an obvious design choice to include all parts in one unit to provide a compact and secure unit; however, whether the individual parts are installed in one unit or including attachment unit to attached the parts is merely a matter of providing a different structural design that does not altered or made the device any more advanced or different.

Regarding claim 8: Akins discloses the hollow housing utilizes two metal detectors and supports (88) (col. 4, lines 36-44). Akins does not disclose a second hollow housing; however, it is merely a matter of design choice to separate or attach the detector in different housings.

Regarding claim 9: Akins discloses the human walking surface defined by the substantially non-metallic housing is angled with respect to a planar human walking surface (Fig. 8).

Regarding claim 10: Akins discloses the non-metallic housing is angled with respect to a planar human walking surface as seen in claim 9 above; however, Akins does not disclose the second hollow housing; however, it is merely a matter of design choice to separate or attach the detector in different housings.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N. Pham whose telephone number is (571) 272-2967. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 28, 2006

**TOAN N. PHAM**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Toan N. Pham', written over a horizontal line.